

Appl. No.: 09/724,691
Amdt. Dated: 04/29/2004
Off. Act. Dated: 01/29/2004

REMARKS

Reconsideration of this Application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Rejection of Claims 1-5, 9-11, 16-17, 21-22 under 35 U.S.C. §102(b) based upon Kaplan et al. (U.S. 5,713,860) or Klein et al. (5,599,306).

All claims subject to this ground for rejection have all been cancelled in order to expedite a Notice of Allowance of the Application based upon the other method claims that were Allowed in the Office Action. Applicants however note that such cancellation does not constitute acquiescence to the ground for rejection, nor are such cancellations done with any waiver, estoppel, or dedication to the public of the subject matter of the cancelled claims. Applicants reserve the right to pursue the subject matter of these claims in the future, such as through continuation practice.

2. Allowable Subject Matter: Claims 18-19.

Applicants thank the Examiner for Allowing Claims 18-19 in the Office Action, and these claims have been preserved in the Application in their previously presented amended form.

3. Pending Claims not Acted Upon: Claims 8, 20.

Applicants note that Claims 8 and 20 were never withdrawn or cancelled, but yet they were not acted upon in the Office Action, nor were they included in the listing of "pending" claims in the Office Action Summary sheet.

Claim 20 depends from Allowed Claim 18, and thus Applicant has left this claim in the Application in its previously presented form. Accordingly, Applicants request that previously presented dependent Claim 20 also be Allowed.

Rather than re-presenting Claim 8 that had not been rejected in the Office Action, this claim has been cancelled in order to expedite a Notice of Allowance based

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upon the specifically Allowed Claims and new claims dependent therefrom. As such, claim 8 has been rewritten in method form as new Claim 28, which depends from Allowed Claim 18. However, Applicants reserve the right to pursue the original scope and form of Claim 8 in the future, such as through continuation practice.

4. New Claims 23-33.

Applicants have added new Claims 23-33 that variously depend from Allowed Claim 18, and are generally rewritten method forms of the subject matter previously presented in Claims 1-5, 8-11, and 16-17 which are all now cancelled. Due to the dependency of these new dependent claims from the Allowed independent Claim 18, Applicants request that these new claims also be Allowed.

5. Conclusion

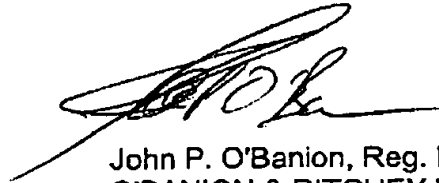
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. All claims subject to rejection under the most recent Office Action have been cancelled. The only remaining claims in the Application include one Independent Claim 18 that had been previously Allowed, and the following dependent claims that depend variously from Allowed Claim 18: Claim 19 that had been previously Allowed; Claim 20 that was not rejected or otherwise acted upon in the Office Action; and new dependent method Claims 23-33 that are rewritten forms of previously presented apparatus claims that are now cancelled. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims, allow all pending claims, and to issue a Notice of Allowance for the Application.

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The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

Date: 4/29/04

Respectfully submitted,



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